

# MOBILEHOME PARKS

## Legislative Changes Effective January

The information provided summarizes legislative changes to the Mobilehome-Manufactured Housing Act (California Health and Safety Code, Division 13, Part 2, commencing with Section 18000), the Mobilehome Parks Act, (California Health and Safety Code, Division 13, Part 2.1, commencing with Section 18200) and the Mobilehome Residency Law, (California Civil Code, Division 2, Part 2, Chapter 2.5, commencing with Section 798), brought about by the 2001 Legislative Session. Additional code changes are included for reader information. These changes became effective January 1, 2002.

- **[Chapter 437 of the 2001 Statutes \(SB 920, Dunn\)](#) adds Section 798.43.1 to the California Civil Code with the following provisions:**
  - This section requires management of a mobilehome park with master-metered utilities to provide a written notice to park residents on or before February 1 of each year with specific information relative to the California Alternate Rates for Energy (CARE) program for low-income persons. It allows the park management to accept and assist in processing CARE program applications, and prohibits management from denying a homeowner or resident information, e.g., utility account number(s) needed to submit a CARE application to the utility company. Management must pass through the full amount of a CARE program discount to qualified park residents and notice the discount on the residents' billing statements.
- **[Chapter 151 of the 2001 Statutes \(AB 210, Corbett\)](#) amends Section 798.39 of the California Civil Code.**
  - This amendment requires any park operator holding a security deposit paid prior to January 1, 1989 to return the deposit to the homeowner within sixty days of receipt of a written request from the homeowner. Return of security deposits is mandatory under this new provision only when the homeowner has made timely payments of rents, utilities and reasonable service charges within the past twelve consecutive months.

- **Chapter 83 of the 2001 Statutes (AB 1202 Harman)** amends Sections 798.24 and 798.51 of the California Civil Code.
  - These amendments prohibit the park management from charging a cleaning deposit fee for the use of the park recreational hall or clubhouse for meetings by resident organizations and any invited guests or visitors if a homeowner or resident hosts the meeting and all park homeowners and residents are allowed to attend. They also provide that residents may be required to obtain liability insurance if alcoholic beverages are served at meetings or private functions. The park management also may prohibit the consumption of alcoholic beverages in the facility if the rental agreement or the rules and regulations prohibit it.
- **Chapter 7 of the 2001 Statutes (SB 5, Sher)** amends various sections of the Public Resources Code.
  - The amendments and additions provide authority and funding to various state agencies to promote energy conservation in buildings, including the purchase of energy efficient equipment and appliances for low and moderate-income households, and assistance to low-income utility customers through the CARE program. Weatherization, high-efficiency peak demand reduction, lighting, and the Low-Income Home Energy Assistance Program also are funded. Qualifying mobilehome park residents also would be eligible for assistance under the CARE program.
- **Chapter 745 of the 2001 Statutes (SB 1191, Speier)** among many statutory changes, amends Section 18400.1 of the Health and Safety Code.
  - This bill eliminates many mandated reports to the Legislature, impacting a variety of different agencies. Included in the elimination of reports are the mobilehome park maintenance inspection program status reports that were due to the Legislature before January 1, 2003, and before January 1, 2006. The bill also eliminated local enforcement agency park inspection status reports due to the Department by September 1, 2002 and September 1, 2005.

- **Chapter 434 of the 2001 Statutes (SB 325, O'Connell)** amends Sections 18205, 18210, 18214, 18214.1, 18214.5, 18251, 18252, 18254, 18300, 18303, 18502, 18502.5, 18503, 18550, 18605, 18610.5, 18620, 18630, 18640, 18670, and 18690; amends and renumbers heading of Part 2.3, commencing with Section 18897 of Division 13, adds Section 18300.25 and Part 2.3, commencing with Section 18860 to Division 13; repeals Sections 18203.2, 18203.5, 18208, 18215, 18216.1, 18217, 18219, 18250.5, 18300.5, 18301, 18606, 18607, 18615, 18615.5, and 18616 of the Health and Safety Code and amends Section 5003.4 of the Public Resources Code.
- The bill removes and modifies requirements relative to construction, use, maintenance and occupancy of privately owned or operated special occupancy parks from the Mobilehome Parks Act. The bill enacts separate provisions relative to construction, use, maintenance and occupancy of privately owned and/or operated special occupancy parks and titles the new act the "Special Occupancy Parks Act" (SOPA). These changes take effect January 1, 2003.
- **Chapter 356 of the 2001 Statutes (AB 1318, Correa)** amends Sections 18008.7, 18551.1, 18611 and adds Section 18214.2 of the Health and Safety Code.
- These new provisions clarify that multi-unit manufactured housing must comply with the requirements of Health and Safety Code Section 18613 (support systems) or 18551 (foundation systems) and adds the definition of "multi-unit manufactured housing" by adding Section 18214.2 to the Mobilehome Parks Act.
  - The bill requires multi-unit manufactured housing to meet current specified Title 24 egress and fire separation requirements depending on the design and use of the housing. It also requires compliance with specified Title 24 accessibility and adaptability requirements for multi-unit housing with three or more units. Further, for multi-unit manufactured housing in mobilehome parks, there is a limitation to two stories in height or four dwelling units.

➤ **Chapter 490 of the 2001 Statutes (AB 1541, Dickerson)** amends **Section 18009.3**, and adds **Sections 18033 and 18033.1** of the **Health and Safety Code (HSC)**.

- Park trailers with lofts may be rented, occupied or sold in California only if they meet the requirements of this new law. Loft area space may be excluded from the gross floor area calculations if there is compliance with the requirements of HSC section 18033. Loft area space within park trailers not meeting the requirements of HSC 18033 must not be used as habitable space, is included in the gross floor area, and must be posted with a permanent warning label warning the occupants that the loft space is designed for storage purposes only.
- New HSC section 18033 contains requirements for the construction of park trailer loft area space including ceiling height, floor live loads, stair geometry, handrails, guardrails, light, ventilation, smoke detector and exiting requirements in order for the loft area space to be used or designed as a habitable area. Park trailers with loft area space designed for use as storage area(s) are not required to comply with the requirements in Section 18033 but must have those spaces posted with signage stating the area is intended for storage only. This storage area space shall count as part of the 400 square foot maximum gross floor area.
- HSC section 18033.1 contains requirements applicable to owners of existing non-complying park trailer units in California containing loft area space that does not comply with amended HSC Sections 18009.3 and 18033, and which were sold and occupied in California prior to January 3, 2001. This section permits lease and occupancy of park trailers with specified loft ceiling heights and stair geometry different than what is required in Section 18033. This section also requires special signage be posted near the opening of each loft warning the owner/occupants that the unit does not meet the new loft codes.

This summary of legislative changes is not represented to be a complete digest of all new laws effecting persons regulated by the Mobilehome-Manufactured Housing Act, the Mobilehome Parks Act, or the Mobilehome Residency Law. The complete text of each bill can be viewed by clicking the title of each bill above, or at the Official California Legislative Information website: <http://www.leginfo.ca.gov>.

For questions regarding mobilehome park or special occupancy park requirements, please contact our Mobilehome Parks Program at (916) 445-9471. For questions regarding park trailer requirements, please contact the Manufactured Housing Program at (916) 445-3338. Please be advised that neither Department, nor cities/counties have the authority or responsibility for enforcement of the California Civil Code provisions contained within this Bulletin. Generally, actions brought to enforce specific provisions of the Civil Code must be initiated through a civil action in a court of appropriate jurisdiction.